

### **Remarks**

Claims 1, 7-9, 15-17 and 23-32 are pending in this application. Of these, claims 1, 9 and 17 are independent claims.

Claims 3, 5, 11, 13, 19 and 21 have been cancelled.

Claim 1 has been amended to incorporate limitations formerly in claim 3. The language "selected ones of said predefined groups" has been changed to "a selected one of said predefined groups" for consistency within the remainder of the amended claim. Corresponding independent claims 9 and 17 have been similarly amended.

The dependencies of claims 28, 30 and 32 have been amended in view of the cancellation of claims 3, 11 and 19 respectively.

At page 2 of the Office Action, the Examiner objected to the disclosure as non-compliant with 37 CFR 1.74 for failing to refer to FIGS. 20MMM-20PPP. The Applicant has amended paragraph 0038 of the specification to recite FIGS. 20A-20PPP. Withdrawal of the objection is therefore requested.

At pages 2-3 of the Office Action, the Examiner rejected claims 17, 19, 21, 23 and 31-32 under 35 USC 101 on the basis that "machine-readable medium" could include signals in transmission, which have been held to be non-statutory. The Examiner suggested that the Applicant amend the claims to recite "non-transitory machine-readable medium" and indicated that the suggested amendment will not be considered as new matter. Accordingly, the Applicant has amended claims 17, 23 and

31-32 as suggested. Similar amendments have been made to claims 24 and 26, for consistency with the other machine-readable medium claims, despite the lack of any formal rejection of those claims.

No new matter is believed to have been added by any of these amendments.

At page 3 the Office Action, the Examiner rejected claims 1, 3, 9, 11, 17, 19 and 25-32 under 35 USC 103(a) as unpatentable over US 2003/0204842 ("Chenelle") in view of US 2002/0069263 ("Sears"). The Applicant traverses these rejections on the basis that no *prima facie* obviousness has been established in respect of any of the claims as amended. In particular, two limitations of the independent claims are not shown by the identified portions of the cited references.

The first limitation of the independent claims that is not shown as alleged is "automatically transmitting a message over a wireless connection to a set of wireless communications devices indicating that said new application is available" (emphasis added). At page 4 of the Office Action, the Examiner acknowledged that Chenelle does not teach automatically transmitting in response to a new application being made available at a server. However, the Examiner suggested that Sears 0042 teaches automatically transmitting a message indicating a new application in response to the new application being made available at a server. The Applicant respectfully disagrees. Sears' messages pertain to new versions of applications (i.e. updated applications), not new applications. Therefore Sears does not disclose the limitation in question.

The second limitation of the independent claims that is not shown as alleged is

“wherein said automatically transmitting is conditional upon said new application being added to a group of applications associated with the selected one of said predefined groups of wireless communications devices” (emphasis added). This limitation was formerly in claim 3 but has been promoted to claim 1 by way of the present response. In respect of former claim 3, the Examiner stated, at page 6 of the Office Action, that Chenelle teaches “a group of applications associated with the selected one of said predefined groups of wireless communication devices.” The Examiner acknowledged that Chenelle does not teach “wherein said automatically transmitting is conditional upon said new application being added to the group of applications [that is associated with the selected one of said predefined groups of wireless communications devices].” However, the Examiner stated that Sears does teach “automatically transmitting a notification of a new application upon said new application being added to a group of applications” (emphasis added), implying that the above quoted limitation was shown.


The Applicant respectfully disagrees. Upon close examination, it can be seen that there is actually discrepancy between what is purportedly shown in Sears, i.e. the automatic transmission of a notification upon the adding of an application to a group of applications, and the claim language, which requires automatic transmitting to be conditional upon a new application being added to a group of applications associated with the selected one of the predefined groups of wireless communications devices. An advantage of the claimed approach is that, merely by adding a new application to a group of applications (e.g. to a “sales” group of applications associated with a sales department of an enterprise), a notification indicating that a new application is available

can responsively be sent to each device of the group (e.g. to each mobile device assigned to a member of a sales department of an enterprise). There is no need for any per-device or per-user requesting of notifications regarding the availability of new applications. In contrast, Sears appears to require each individual user to request notifications regarding new versions of applications, via a "user profile log" (see paragraph 0042). This may be comparatively onerous, especially if the number of users is large.

In view of the absence of these limitations from the identified portions of the cited art, no *prima facie* case of obviousness has been established against the independent claims or, by logical implication, against any of the dependent claims. Withdrawal of the obviousness rejection is therefore requested.

In view of the foregoing, favorable reconsideration and allowance of the application are earnestly solicited.

Respectfully submitted,

  
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